

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Bank of New York Mellon,

Plaintiff

v.

Shadow Crossing Homeowners' Association,

et al.,

Defendants

2:16-cv-01081-JAD-VCF

**Order Certifying to Nevada Attorney
General that the Constitutionality of a
State Statute Has Been Called into
Question**

When a party in a federal action has filed "a pleading, written motion, or other paper drawing into question the constitutionality of a . . . state statute," Federal Rule of Civil Procedure 5.1(b) requires the court to certify under 28 U.S.C. § 2403 to the state attorney general that a statute has been questioned. The attorney general then has 60 days under FRAP 5.1(c) to seek to intervene in the action.

I hereby certify that, in the above-captioned case, the Bank of New York Mellon's complaint alleges that "NRS 116's scheme of HOA super priority foreclosure violates the procedural due process clauses of the Fourteenth Amendment of the United States Constitution and Article 1, Sec. 8, of the Nevada Constitution."¹ The Attorney General for the State of Nevada has 60 days to intervene in this action if it so desires.

IT IS THEREFORE ORDERED that the Clerk of Court is directed to mail a copy of this order to the Attorney General for the State of Nevada, via certified mail, return receipt requested, at these addresses:

Hon. Adam Paul Laxalt
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701

Hon. Adam Paul Laxalt
Office of the Attorney General
Grant Sawyer Building
555 E. Washington Ave., Ste 3900
Las Vegas, Nevada 89101

Dated: June 2, 2016


 Jennifer A. Dorsey
 United States District Judge

¹ ECF No. 1, ¶ 43.